STATUTORY INSTRUMENTS

2008 No. 529

The Education (Student Support) Regulations 2008

PART 10

PAYMENTS

CHAPTER 4

OVERPAYMENTS

Overpayments of fee support

111. Any overpayment of fee support is recoverable by the Secretary of State from the academic authority.

Overpayments of college fee loan

112. Any overpayment of college fee loan is recoverable by the Secretary of State from the college or permanent private hall.

Overpayments of support payable under Part 5 or Part 6

113.—(1) An eligible student must, if so required by the Secretary of State, repay any amount paid to him under Part 5 or 6 which for whatever reason exceeds the amount of support to which he is entitled under Part 5 or 6.

(2) The Secretary of State must recover an overpayment of any grant for living and other costs unless he considers it is not appropriate to do so.

(3) The methods of recovery are—

(a) subtracting the overpayment from any kind of grant payable to the student from time to time pursuant to regulations made by the Secretary of State under section 22 of the 1998 Act;

(b) taking such other action for the recovery of an overpayment as is available to the Secretary of State.

(4) A payment of any grant for living and other costs made before the relevant date is an overpayment if the student withdraws from the course before the relevant date unless the Secretary of State decides otherwise.

(5) In this regulation, the "relevant date" is the date on which the first term of the academic year in question actually begins.

(6) In the circumstances in paragraph (7) or (8), there is an overpayment of the disabled students' allowance unless the Secretary of State decides otherwise.

(7) The circumstances are—

(a) the Secretary of State applies all or part of the disabled students' allowance to the purchase of specialist equipment on behalf of the eligible student;

(b) the student's period of eligibility terminates after the relevant date; and

(c) the equipment has not been delivered to the student before his period of eligibility terminates.

(8) The circumstances are—

(a) the eligible student's period of eligibility terminates after the relevant date; and

(b) a payment of the disabled students' allowance in respect of specialist equipment is made to the student after the student's period of eligibility terminated.

(9) Where there is an overpayment of the disabled students' allowance, the Secretary of State may accept the return of specialist equipment purchased with the grant by way of recovery of all or part of the overpayment if he considers it is appropriate to do so.

(10) Any overpayment of a loan for living costs or a long courses loan in respect of any academic year may be recovered if in the opinion of the Secretary of State—

(a) the overpayment is a result of a failure of the student to provide promptly information which might affect whether he qualifies for the loan in question or the amount of the loan in question for which he qualifies;

(b) any information which the student has provided is inaccurate in a material particular; or

(c) the student has failed to provide information which the Secretary of State considers to be material in the context of the recovery of the loan.

(11) Where an overpayment of a loan for living costs or a long courses loan is recoverable under paragraph (10), it may be recovered in whichever one or more of the following ways the Secretary of State considers appropriate in all the circumstances—

(a) by subtracting the overpayment from any amount of the loan in question payable to the student from time to time;

(b) by taking such other action for the recovery of an overpayment as is available to him.

(12) Where there has been an overpayment of a loan for living costs or long courses loan which is not recoverable under paragraph (10), the Secretary of State may subtract the overpayment from any amount of the loan in question payable to the student from time to time.